



**IN THE COURT OF APPEAL**  
**AT NYERI**

**CORAM: SHAH, J.A. (IN CHAMBERS)**  
**CIVIL APPLICATION NO. NAI. 443 OF 2001(UR.234/2001)**

**BETWEEN**

**MWANIKI GAKUYA & ANOTHER ..... APPLICANTS**  
**AND**  
**PRISCILLA WANJIKU GAKUYA ..... RESPONDENT**

**(An application for extension of time to file Notice**

**and Record of Appeal from a Ruling of the High Court**  
**of Kenya at Embu (Mr. Justice Tuiyot) dated 4th September**  
**2001**  
**in**  
**H.C.C.A. NO. 30 OF 1999)**  
**\*\*\*\*\***

**RULING**

The applicants were the respondents in the first appeal in the superior court. That court heard an appeal against a decision of Kerugoya Resident Magistrate's Court and overruled the learned magistrate, hereby allowing that appeal. The applicants are desirous of appealing. The High Court judgment was delivered on 4th September, 2001. This application was lodged on 13th December, 2001. Considering the fact that the two applicants were not then represented and that they had to look for advocates to lodge this application, the delay is not so inordinate as to enable me shut out the applicants from appealing.

I allow this application and order that the notice of appeal be lodged within the next seven days and the record of appeal be lodged within 30 days of the lodgment of the notice of appeal. The respondent will have costs of this application which I assess at Shs. 3,000/= . These must be find within the next 30 days failing which execution may issue.

**Dated and delivered at Nyeri this 10th day of May, 2002.**

**A. B. SHAH**

.....  
**JUDGE OF APPEAL**

**I certify that this is a true copy of the original.**  
**DEPUTY REGISTRAR**